

Remarks

Specification Objection

The office action, paper no. 10, April 15, 2003 objects to the specification because allegedly there are three references that are foreign and attempt to incorporate essential subject matter into the instant specification by reference. The three references are:

1. Kellner, R.; Prokopowski, P. Anal. Chim. Acta 1976, 86, 175-184,
2. Neuburger, M. C. Z. Phys. 1930, 67, 845-850,
3. Cornell, R. M.; Schwertmann, U. The Iron Oxides-Structure, Properties, Reactions, Occurrence and Uses, 1st ed.; VCH Verlagsgesellschaft: Weinheim, Germany, 1996.

In response, Applicant's respectfully assert that the material incorporated by reference into the instant specification by the references above is not essential to the invention. As the Examiner is of course aware, only *essential* material to the description or enablement of the claims may not be incorporated by reference with a foreign document. The subject matter incorporate by the above references is as follows:

4. Kellner, R.; Prokopowski, P. Anal. Chim. Acta 1976, 86, 175-184 : page 8, line 8 of the specification : refers to the FT-IR spectroscopic measurements of excess cupferron, water or solvent molecules. This information is not essential to the invention.
5. Neuburger, M. C. Z. Phys. 1930, 67, 845-850: at page 10, line 18 of the specification: this reference merely has structure data for Fe_2O_3 , Mn_3O_4 and Cu_2O . This information is not essential.

6. Cornell, R. M.; Schwertmann, U. The Iron Oxides-Structure, Properties, Reactions, Occurrence and Uses, 1st ed.; VCH Verlagsgesellschaft: Weinheim, Germany, 1996: see page 12, last two lines of the specification. This reference merely discloses previously disclosed crystal structures, and this material is not essential to the invention.

In sum, it is respectfully submitted that Applicant has shown that the references above incorporate material into the specification that is not essential, and thus proper. It is requested that the objection to the specification be withdrawn.

CLAIM REJECTIONS-35 U.S.C. 112, second paragraph

The office action has rejected claims 1-2, 4 and 13-16 for allegedly being indefinite under 35 U.S.C. 112, second paragraph. Applicants have amended the claims in response to each rejection, and it is believed that the amendments overcome the rejections.

Claims 1, 13, 15 and 16 have been amended to recite that the value of X is 1-4. Support for this amendment is in the specification as originally filed and at claim 17 as originally filed.

Claims 1 and 13 have been amended to delete the term "desired".

Claims 2 and 4 have been amended to change "reaction" to "process", and thus provide proper antecedent basis to the term.

Claims 15 and 16 have been amended to delete the term "reaction", to provide antecedent basis for "reaction".

Claim 17 has been amended to recite that X is 1, and claims 18-20 have been added to recite the value of X between 2-4, respectfully. Support for this amendment is found in

the specification at page 7, lines 7-8. Accordingly, it is respectfully requested that the rejection be withdrawn.

PROVISIONAL DOUBLE PATENTING

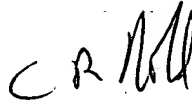
Claims 1-17 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,440,213. In response, Applicant's file herewith an executed terminal disclaimer in accordance 37 C.F.R. 1.321(c). Thus, it is believed the rejection is overcome, and it is respectfully requested that the rejection be withdrawn.

Conclusion

Having responded to all the outstanding issues, it is respectfully requested that a notice of allowance be issued.

A petition for an extension of time for 1 month is enclosed. If there are any other fees, the Patent and Trademark Office is authorized to charge any required fee to deposit account 120690, in the name of Lawrence Berkeley National Laboratory.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'C R Nold', is written over the printed name.

Charles R. Nold

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